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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,329	09/23/2003	John Hane	57132.000008	1653

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EXAMINER

SHIFERAW, ELENI A

ART UNIT	PAPER NUMBER
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2136

MAIL DATE	DELIVERY MODE
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06/01/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/667,329	Applicant(s) HANE, JOHN	
	Examiner Eleni A. Shiferaw	Art Unit 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/27/2004, & 12/23/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2136

DETAILED ACTION

1. Claims 1-18 are pending.
2. Claims 19-23 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made **without** traverse in the reply filed on 04/16/2007.

Claim Objections

3. Claims 1-6 are objected to because of the following informalities: Claim 1 on line 9 should not have a period at the end of line 9.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 7-12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. It is not tangibly embodied as it is software per se. It is suggested that the claimed subject matter "A computer readable medium including a software application..." should be changed to "A computer readable medium storing and executing a software application..."

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2136

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamiya et al. 2002/0106086 A1 in view of Ichikawa 5872846.

Regarding claims 1, 7, and 13, Kamiya et al. discloses a method/medium/system for requesting and securely receiving data from the Internet, said method comprising the steps of:

creating a request for data (0093; pay-per-view...);

collecting data in response to said request (0073-0075);

packetizing said collected data into data packets (0079, 0104, and 0118; *dividing packets and keys into two or many portions*);

selecting and addressing a first set of data packets for transmission via the Internet (0119, 0154, 0023, 0146, 0158, 0163, 0032, and 0029; *addressing portions to be transmitted in different routs... first or second internet and/or medium*);

selecting and addressing a second set of data packets for transmission via a satellite delivery system (0119, 0154, 0023, 0146, 0158, 0163, 0032, and 0029; *addressing portions to be transmitted in different routs... first or second internet and/or medium*);

transmitting said first set of data packets via the Internet (0154, 0146, 0158, 0163, 0132, and 0029; *transmitting portions of data and/or key in a first network or second network and/or*

same network at different time or in different networks and networks comprising network and satellite see fig. 1); and

transmitting said second set of data packets via and satellite delivery system (0154, 0146, 0158, 0163, 0132, and 0029; *transmitting portions of data and/or key in a first network or second network and/or same network at different time or in different networks and networks comprising network and satellite see fig. 1).*

Kamiya et al. fails to explicitly disclose the portions of data being transmitted in a second transmission channel that is satellite transmission channel. However Ichikawa discloses a content request from a user and transmitting the requested content and a key that is required for the content segmented in two different transmission channels called network/land line link and satellite link for securing content (col. 2 lines 16-27).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Ichikawa within the system of Kamiya et al. because they are analogous on content transmission in two different transmission lines. One would be motivated to incorporate the teachings of Ichikawa because it is well known at the time of the invention to transmit content portions in two different channels to secure the content from being accessed by unauthorized user since the unauthorized user cannot access the other portions of data that is transmitted in an other channel to recover the whole content.

Regarding claims 2, 8 and 14 wherein the method/medium/system further comprises the steps of encrypting collected data and providing a key for decoding and using said encrypted data is taught by Kamaya et al. par. 0007.

Regarding claims 3, 9, and 15 wherein the method/medium/system said encrypted data is selected and addressed as said first set of data packets is taught by Kamiya et al. (0119, 0154, 0023, 0146, 0158, 0163, 0032, and 0029).

Regarding claims 4, 10, and 16 wherein the method/medium/system wherein said key is selected and addressed as said second set of data packets is taught by Kamaya et al. par. (0119, 0154, 0023, 0146, 0158, 0163, 0032, and 0029).

Regarding claims 5, 11, and 17 wherein the method/medium/system wherein said satellite delivery system is comprised of a network processing center with an associated provider antenna and at least one subscriber terminal with an associated subscriber antenna is taught by Kamaya et al. fig. 1 and Ichikawa fig. 1 and col. 2 lines 16-27. . The motivation to combine is the same bases as claim 1 above.

Regarding claims 6, 12, and 18 wherein the method/medium/system wherein said satellite delivery system further comprising a satellite is taught by Kamaya et al. fig. 1 and Ichikawa fig. 1 and col. 2 lines 16-27. The motivation to combine is the same bases as claim 1 above.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Marker, Jr. USPN 4802220 discloses a user requesting a secure call, an adapter splitting message in to two first and second portions and transmitting first portion on internet channel B1 and internet channel B2 for secure communication (see col. 3 lines 45-col. 4 lines 53).

Dillion USPN 5995725 discloses packet addressing to be transmitted to a satellite and an Internet (see fig. 10).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eleni A. Shiferaw whose telephone number is 571-272-3867. The examiner can normally be reached on Mon-Fri 8:00am-5:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser R. Moazzami can be reached on (571) 272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



May 22, 2007

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